

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v.-

Case # 15-CR-149-FPG

DECISION AND ORDER

FRANK R. PARLATO, JR.,

Defendant.

By Motion dated November 27, 2017, the United States of America has moved for a second extension of the Notice of Pendency that was originally filed on November 30, 2015 with the Clerk of Court, Monroe County, Florida against the premises and real property known as 29009 Geranium Drive, Big Pine Key, Florida, under Document No. 2054908 and recorded in Book 2771 at Page 1423. This Court granted an extension of the Notice of Pendency until November 30, 2017 in a Decision and Order dated December 28, 2016 which was filed with the Clerk of Court, Monroe County, Florida, under Document No. 2105594 and recorded in Book 2834 at Page 18.

Florida Statute 48.23 provides that a Notice of Pendency is valid for one year from the commencement of the action, “except when the court extends the time of expiration on reasonable notice and for good cause.”

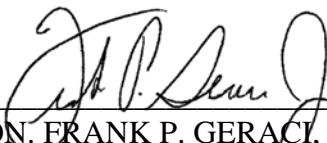
Pursuant to Local Rule of Criminal Procedure 12(b)(2), Defendant Frank R. Parlato, Jr. had fourteen days after the filing of the government’s Motion to file any opposing papers, and the Court finds that time period to constitute reasonable notice to Defendant. The time to respond has now expired, and Defendant has raised no objection to the United States’ Motion.

There being no objection to the Motion, and further, because the Indictment in this case, which remains pending, seeks the forfeiture of Defendant Frank R. Parlato, Jr.'s interest in the premises and real property known as 29009 Geranium Drive, Big Pine Key, Florida, to the United States of America, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), the Court finds that good cause exists for the requested extension, and it is hereby

ORDERED, that the Notice of Pendency filed and recorded in the official records of the office of the Clerk of Court, Monroe County, Florida, against the premises and real property known as 29009 Geranium Drive, Big Pine Key, Florida on November 30, 2015, under Document No. 2054908 and recorded in Book 2771 at Page 1423, is hereby extended until November 30, 2018.

IT IS SO ORDERED.

DATED: December 15, 2017
Rochester, New York



HON. FRANK P. GERACI, JR.
United States District Judge